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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,502	10/11/2001	Jerry G. Henslee	5972.US.P7	1118
23492	7590	04/18/2005	EXAMINER	
ROBERT DEBERARDINE ABBOTT LABORATORIES 100 ABBOTT PARK ROAD DEPT. 377/AP6A ABBOTT PARK, IL 60064-6008			HARRIS, ALANA M	
			ART UNIT	PAPER NUMBER
			1642	

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**  
**After the Filing of an Appeal Brief**

Application No.

09/975,502

Examiner

Alana M. Harris, Ph.D.

Applicant(s)

HENSLEE ET AL.

Art Unit

1642

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 13 October 2005 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).


b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The 112, 1<sup>st</sup> new matter rejection over claims 2-4 is withdrawn, as well as the 112, 2<sup>nd</sup> rejection over claim 2. However, the 103(a) rejection over claims 2-4 is maintained. One of ordinary skill in the art would expect with a reasonable expectation of success that the polynucleotides of U.S. patent application publication number 20020009738 (Houghton et al) would express proteins and one would consequently be motivated to detect the expressed proteins in a routine diagnostic immunoassay.

  
ALANA M. HARRIS, PH.D.  
PRIMARY EXAMINER  
04/14/2005